

1 **Stueve Siegel Hanson LLP**
2 Norman E. Siegel, MO Bar # 44378
3 *siegel@stuevesiegel.com*
4 Christopher D. Dandurand, MO Bar # 63775
5 *dandurand@stuevesiegel.com*
6 460 Nichols Road, Suite 200
7 Kansas City, MO 64112
8 (816) 714-7100
9 (816) 714-7101 Facsimile

10 Attorneys for Plaintiff, Matthew Alexander,
11 for himself and other members of the general
12 public similarly situated

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 Matthew Alexander,) Docket No. 2:13-cv-02005-LDG-CWH

16 Plaintiff,)

17 vs.)

18 GNLV, Corp.)

19 GNL, Corp.,) **ORDER RE: MOTION TO**
20) **FILE UNDER SEAL**
21) **PLAINTIFF MATTHEW**
22) **ALEXANDER'S REPLY IN**
23) **SUPPORT OF HIS MOTION TO**
24) **COMPEL**

25 Defendants.)

26 Plaintiff Matthew Alexander, for himself and other members of the general public
27 similarly situated, by and through undersigned counsel hereby moves the Court for an entry of an
28 Order to file under seal Plaintiff Matthew Alexander's Reply in Support of His Motion to
Compel. As support for this Motion, Plaintiff states as follows:

1 1. The parties have agreed to abide by the terms of a proposed protective order, until
2 such time as the parties seek and receive an Order from the Court stating otherwise or the parties
3 come to a different agreement.

4 2. Pursuant to the terms of the proposed protective order, parties that produce
5 documents and/or provide deposition testimony in this litigation are permitted to designate their
6 documents or deposition transcripts as “Confidential”, “Confidential – Attorney’s Eyes Only” or
7 “Confidential Personal Information.”

8 3. Defendants have produced documents and/or deposition transcripts as
9 Confidential, Confidential – Attorney’s Eyes Only or Confidential Personal Information.

10 4. Plaintiff is filing a Reply in Support of His Motion to Compel Deposition which
11 contains information designated as Confidential, Confidential – Attorney’s Eyes Only or
12 Confidential Personal Information. In order to comply with the terms of the proposed protective
13 order, Plaintiff requests that the Court allow Plaintiff’s Reply to be filed under seal.

14 5. Plaintiff believes that the burden is on the Defendants to establish that the
15 information designated as Confidential, Confidential – Attorney’s Eyes Only or Confidential
16 Personal Information pursuant to the agreement is entitled to heightened protection. Nonetheless,
17 Plaintiff requests that the Court file under seal Plaintiff Matthew Alexander’s Reply in Support
18 of His Motion to Compel so that Plaintiff can comply with the parties’ agreement.

19 6. Plaintiff has attached the Declaration of Christopher D. Dandurand to this Motion
20 as further support for his Reply.

21 7. Accordingly, Plaintiff respectfully requests that the Court enter an Order filing
22 Plaintiff Matthew Alexander’s Reply in Support of His Motion to Compel under seal.

1 Dated: November 17, 2014

2 **STUEVE SIEGEL HANSON LLP**

3 /s/ Christopher D. Dandurand
4 Norman E. Siegel, MO Bar # 44378
5 *siegel@stuevesiegel.com*
6 Christopher D. Dandurand, MO Bar # 63775
7 *dandurand@stuevesiegel.com*
8 460 Nichols Road, Suite 200
9 Kansas City, MO 64112
10 (816) 714-7100
11 (816) 714-7101 Facsimile

12 **DiPasquale Moore, LLC**
13 Michael DiPasquale, MO Bar # 58479
14 *mdipasquale@dmlawkc.com*
15 Jason B. Moore, MO Bar # 54592
16 *jmoore@dmlawkc.com*
17 4050 Pennsylvania Avenue, Suite 115
18 Kansas City, MO 64111
19 (816) 888-7501
20 (816) 888-7519 Facsimile

21 Brian D. Nettles, Esq.
22 Nevada Bar No. 7462
23 **Nettles Law Firm**
24 1389 Galleria Drive, Suite 200
25 Henderson, Nevada 89012
26 (702) 434-8282
27 (702) 434-1488 Facsimile
28 *briandnettles@nettleslawfirm.com*

29 Attorneys for Plaintiff, Matthew Alexander,
30 for himself and other members of the general
31 public similarly situated

32 **ATTORNEYS FOR PLAINTIFFS**

33 **ORDER**

34 IT IS SO ORDERED.

35 
36 _____
37 United States Magistrate Judge
38 Dated: November 18, 2014

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on November 17, 2014, a copy of the foregoing document was served via email to the following:

Philip Hymanson
hymansonp@gtlaw.com
Donald Prunty
pruntyd@gtlaw.com
GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway,
Suite 400 North
Las Vegas, Nevada 89169

Attorneys for Defendants

/s/ Christopher D. Dandurand

Attorney for Plaintiff

1 **Stueve Siegel Hanson LLP**
2 Norman E. Siegel, MO Bar # 44378
3 *siegel@stuevesiegel.com*
4 Christopher D. Dandurand, MO Bar # 63775
5 *dandurand@stuevesiegel.com*
6 460 Nichols Road, Suite 200
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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 Matthew Alexander,) Docket No. 2:13-cv-02005-LDG-CWH
16 Plaintiff,)
17 vs.)
18 GNLV, Corp., and)
19 GNL, Corp.)
20 Defendants.)
21 _____) **DECLARATION OF**
22) **CHRISTOPHER D. DANDURAND**

23 I CHRISTOPHER D. DANDURAND declare upon personal knowledge and upon
24 penalty of perjury, that the following is true and correct to the best of my knowledge,
25 information, and belief:

26 1. My name is Christopher D. Dandurand I am an attorney at Stueve Siegel Hanson
27 LLP representing Matthew Alexander in the above captioned case.

28 2. I have personal knowledge of the facts stated herein and respectfully submit this
29 declaration in support of Plaintiff's Reply in Support of his Motion to Compel.

3. Exhibit 1 is a true and correct copy of an email chain between counsel for Plaintiff and counsel for Defendant, Donald Prunty.

4. Exhibit 2 is a true and correct copy of excerpts of the deposition of Thomas Zorbas, corporate representative for Epicor, taken September 23, 2014.

5. Exhibit 3 is a true and correct copy of a document produced by Defendants which reflects an agreement with credit card processor Paymentech.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed November 17, 2014 at Kansas City, Missouri.

/s/ Christopher D. Dandurand
Christopher D. Dandurand